

CONSTITUTION SHOALHAVEN COMMUNITY RADIO



CONSTITUTION SEPTEMBER 2015

Contained in this document is the Constitution of Shoalhaven Community Radio broadcasting as Triple U FM. For any questions regarding this document please contact:
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CONSTITUTION SHOALHAVEN COMMUNITY RADIO

CREATED SEPTEMBER 2015

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PART 1 DEFINITIONS

1. Definitions

(1) In this Constitution

Director General means:

The Director General of the Department of Services, Technology and Administration

Ordinary Committee Member means:

A member of the committee who is not an office bearer (executive) of the Association

Secretary means:

- a. the person holding office under this Constitution as Secretary of the Association, or
- b. if no such person holds that office, the Public Officer of the Association.

Special General Meeting means

A General Meeting of the Association other than an Annual General Meeting

The Act means:

The Association's Incorporation Act 2009

The Regulation means:

The Association's Incorporation Regulation 2010

(2) In this Constitution:

a. a reference to a function includes a reference to a power, authority, and duty, and

b. a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act 1987 apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under the Act.

PART 2 OBJECTIVES OF SHOALHAVEN COMMUNITY RADIO

- (1) To provide a public broadcasting service in the Shoalhaven area by forming and operating an independent community broadcasting station which will complement, and supplement existing radio services being provided in the area.
- (2) To meet the communication needs of those within the region by catering for and reflecting the widest possible spectrum of information, opinions, values, and interests in and about the Shoalhaven region, and provide the greatest possible amount of community access in broadcasting.
- (3) To extend the range of meaningful services available to the public, and to encourage public participation in programming, transmission, policy, and station management.
- (4) To provide programs for the listening enjoyment of all persons, including but not limited to music, news, general knowledge, educational, children's programs, special interests, and the spoken word.
- (5) To broadcast in high fidelity FM stereo.
- (6) To provide the opportunity for individual groups, organizations, associations, and elected representatives of Local, State and Federal Government to have access to produce or present programs, and to encourage all interested persons to use the station and to provide access to them.
- (7) To train persons in broadcasting technique, communications, and any other skills consistent with the aims of the Association.
- (8) To use any surplus money resulting from fundraising, promotion, subscription, donation, grant or otherwise to carry out the Association's objectives
- (9) To abide by the Codes of Practice of the Community Broadcasting Association of Australia.
- (10) To observe the Codes and Standards of broadcasting as required by the Broadcasting Act and the Australian Communications and Media Authority (ACMA)
- (11) To encourage all persons in the community to assist in the general advancement of the Association's aims.

(12) To publish a newsletter/magazine to publicise the Objectives of the Association.

PART 3 MEMBERSHIP

1 Membership Generally

(1) There shall be five separate categories of membership:

1. Individual
2. Family
3. Organisation
4. Concession
5. Students 18 years or under

(2) A person is eligible to be a member of the Association if:

- a. the person is a natural person, and
- b. the person has been nominated and approved for membership of the Association in accordance with Clause 3.

(3) A person is taken to be a member of the Association if:

- a. the person is a natural person, and
- b. the person was:
 - i) in the case of an unincorporated body that is registered as the Association - a member of that unincorporated body immediately before the registration of the Association, or
 - ii) in the case of an Association that is amalgamated to form the relevant Association - a member of that other association immediately before that amalgamation, or
 - iii) in the case of a registrable corporation that is registered as an Association - a member of the registrable corporation immediately before that entity was registered as an Association.

(4) A person is taken to be a member of the Association if the person was once of the individuals on whose behalf an application for registration of the Association under Section 6 (1) (a) of the Act was made.

2. Nomination for Membership

(1) The Application of a person for membership of the Association:

a. shall be made by an applicant in writing in the form set out in Appendix 1 to these rules, and

b. shall be lodged with the Secretary of the Association

(2) An application may be rejected only if:

a. there are reasonable grounds to believe that the applicant would not abide by the rules and objectives, or the CBAA Codes of Practice;

b. Rejection is required by law; and

c. there are reasonable grounds to believe that the applicant would pose a security risk to members of the Association or to the premises.

(3) As soon as practicable after receiving a nomination for membership, the Secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.

(4) As soon as practicable after the committee makes that determination, the secretary must:

a. notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable). If the nomination is rejected, then the Committee must provide those reasons to the applicant in writing, and

b. if the committee approved the nomination, request the nominee to pay (within the period of 28 days after the receipt by the nominee of the notification) the sum payable under this Constitution by a member as entrance fee and annual subscription.

(5) The Secretary must, on payment by the nominee of the amounts referred to in Subclause (3) b within the period referred to in that provision, enter or cause to be entered the nominee's name in the Register of Members and, on the name being so entered, the nominee becomes a member of the Association.

3. Cessation of Membership

A person ceases to be a member of the Association is the person:

a. dies, or

b. resigns membership, or

c. is expelled from the Association, or

d. fails to pay the annual membership fee under Clause 8 (2) within 3 months after the fee is due.

4. Membership Entitlements Not Transferable

A right, privilege or obligation which a person has by reason of being a member of the Association:

- a. is not capable of being transferred or transmitted to another person, and
- b. terminates on cessation of the person's membership.

5. Resignation of Membership

(1) A member of the Association may resign from membership of the Association by first giving to the Secretary written notice of at least one month (or such other period as the Committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

(2) If a member of the Association ceases to be a member under Sub Clause (1), and in every other case where a member ceases to hold membership, the Secretary must make an appropriate entry in the Register of Members recording the date on which the member ceased to be a member.

6. Register of Members

(1) The Public Officer of the Association must establish and maintain a register of members of the Association specifying the name and postal or residential address of each person who is a member of the Association together with the date on which the person became a member.

(2) The Register of Members must be kept in New South Wales:

- a. at the main premises of the Association, or
- b. if the Association has no premises, at the Association's official address.

(3) The Register of Members must be open for inspection, free of charge, by any member of the Association at any reasonable hour.

(4) A member of the Association may obtain a copy of any part of the Register on payment of a fee of not more than \$1 for each page copied.

(5) If a member requests that any information contained on the Register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.

(6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:

- a. the purpose of sending the person a newsletter, a notice in respect of a meeting, or other event relating to the Association or other material relating to the Association, or
- b. any other purpose necessary to comply with a requirement of the Act or the Regulation.

7 Fees and Subscriptions

(1) A member of the Association must, on admission to membership, pay to the Association a fee of \$1 or, if some other amount is determined by the Committee, that other amount.

(2) In addition to any amount payable by the member under Subclause (1) a member of the Association must pay to the Association an annual membership fee of \$2 or, if some other amount is determined by the Committee, that other amount:

- a. except as provided by paragraph b, before 1 July in each calendar year, or
- b. if the member becomes a member on or after 1 July in any calendar year - on becoming a member and before 1 July in each succeeding calendar year; and
- c. an employee of the Association shall not necessarily be required to be a member of the Association.

8 Member's Liabilities

The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses, the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Clause 8.

9 Non-Profit to Members

(1) The Association shall direct its income and property solely towards the promotion of its objectives as set forth in this Constitution, and the transfer of any portion thereof, directly, or indirectly, by way of dividends, bonus or otherwise howsoever by way of profit, to the members of the Association shall be prohibited except in accordance with Clause 9.

(2) A percentage of sponsorship earning, and profits of fundraising events obtained by a member of the Association and based on a scale determined by the Committee from time to time may be paid to the member.

(3) Nothing herein shall prevent the payment in good faith of remuneration or reimbursement for out-of-pocket expenses to any member of the Association in return for services rendered to the Association.

10 Resolution of Disputes

(1) A dispute between a member and another member (in their capacity as members) of the Association, or a dispute between a member or members and the Association, are to be referred to a Community Justice Centre for mediation under the Community Justice Centres Act 1983.

(2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.

(3) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.

11 Disciplining of Members

(1) A complaint may be made to the Committee by any person that a member of the Association:

- a. has refused or neglected to comply with a provision or provisions of this Constitution, or
- b. has wilfully acted in a manner prejudicial to the interests of the Association.

The Committee may by resolution:

- c. expel the member from the Association, or
- d. suspend the member from membership of the Association for a specified period.

(2) A resolution of the Committee under Clause (1) is of no effect unless the Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under Clause (4), confirms the resolution in accordance with this rule.

(3) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature. The Committee is to notify the complainant in writing when it exercises this right.

(4) Where the Committee passes a resolution under Clause (1), the Secretary shall, as soon as practicable cause a notice in writing to be served on the member:

- a. setting out the resolution of the Committee and the grounds on which it is based
- b. stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
- c. stating the date, place, and time of that meeting; and
- d. informing the member that the member may do either or both of the following:
 - i) attend and speak at the meeting;
 - ii) submit to the Committee at or prior to the date of that meeting, written representations relating to the resolution.

(5) At the meeting of the Committee held as referred to in Clause (4), the Committee shall:

- a. give the member an opportunity to make oral representations;
- b. give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
- c. by resolution, determine whether to confirm or to revoke the resolution.

(6) Where the Committee confirms a resolution under Clause (5), the Secretary shall, within 7 days after the confirmation, by notice in writing, inform the member of the fact and of the member's rights of appeal under Rule 12.

(7) A resolution confirmed by the Committee under Clause (5) does not take effect:

- a. until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
- b. where within that period the member exercises the right of appeal, unless and until the Association confirms the resolution pursuant to Rule 12 (4)

12 Right of Appeal of Disciplined Member

(1) A member may appeal to the Association in a General Meeting against a resolution of the Committee under Clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a member under Subclause (1), the Secretary must notify the Committee which is to convene a General Meeting of the Association to be held within 28 days after the date on which the Secretary received the notice.

(4) At a General Meeting of the Association convened under Subclause (3):

- a. no business other than the question of the appeal is to be transacted, and
- b. the Committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
- c. the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- d. The appeal is to be determined by a simple majority of votes cast by members of the Association.

(5) The appeal is to be determined by a simple majority of votes cast by members of the Association.

13 Life Memberships

The Association may, on the recommendation of the Committee, grant a Life Membership to any person who has shown outstanding commitment, effort and dedication. Nominations should be submitted in writing to the Committee, highlighting the reasons why the nominee should be considered. There must be a two thirds majority acceptance by the Committee for the Life Membership to be granted. Life Members shall not be liable to pay the annual membership fee.

PART 4 THE COMMITTEE

1 Powers of the Committee

Subject to the Act, the Regulation, and this Constitution and to any resolution passed by the Association in General Meetings, the Committee:

- a. is to control and manage the affairs of the Association, and
- b. may exercise all such functions as may be exercised by the Association other than those functions that are required by this Constitution to be exercised by a General Meeting of members of the Association, and

c. has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

2 Composition and Membership of the Committee

(1) The Committee is to consist of:

- a. the Office Bearers of the Association, and
- b. at least 3 Ordinary Committee Members, each of whom is to be elected at the Annual General Meeting of the Association under Clause 14.

(2) The total number of Committee Members is to be 7.

(3) The Office Bearers of the Association are as follows:

- a. the President
- b. the Vice President
- c. the Treasurer
- d. the Secretary

(4) A Committee Member may hold up to 2 offices (other than both the President and Vice President offices).

(5) Each member of the Committee is, subject to this Constitution, to hold office until the conclusion of the Annual General Meeting following the date of the member's election but is eligible for re-election.

(6) The elected President may hold office for no more than 5 consecutive years.

3 Election of Committee Members

(1) Nominations of candidates for election as Office Bearers of the Association or as Ordinary Committee Members:

- a. must be made in writing, signed by 2 members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
- b. must be delivered to the Secretary of the Association at least 7 days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.

- (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of Office Bearers and Ordinary Committee Members of the Committee is to be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- (7) A person nominated as a candidate for election as an Office Bearer or as an Ordinary Committee Member of the Association must be a member of the Association for the 3 months preceding the Annual General Meeting.

4 Secretary

- (1) The Secretary of the Association must, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the Secretary to keep minutes of:
 - a. all appointments of Office Bearers and members of the Committee, and
 - b. the names of members of the Committee present at a Committee Meeting or a General Meeting, and
 - c. all proceedings at Committee Meetings and General Meetings.
- (3) Minutes of proceedings at a meeting must be signed by the Chairperson of the meeting or by the Chairperson of the next succeeding meeting.

5 Treasurer

It is the duty of the Treasurer of the Association to ensure:

- a. that all money due to the Association is collected and received and that all payments authorized by the Association are made, and

b. that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

6 Casual Vacancies

(1) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed is to hold office subject to this Constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.

(2) A casual vacancy in the office of a member of the Committee occurs if the member:

- a. dies, or
- b. ceases to be a member of the Association, or
- c. becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
- d. resigns office by notice in writing given to the Secretary, or
- e. is removed from office under Clause 20, or
- f. becomes a mentally incapacitated person, or
- g. is absent without the consent of the Committee from 3 consecutive meetings of the Committee, or
- h. is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- i. is prohibited from being a Director of a company under Part 2D 6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

7 Removal of Committee Members

(1) The Association in General Meetings may by resolution remove any member of the Committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office⁴ of the member is so removed.

(2) If a member of the Committee to whom a proposed resolution referred to in Subclause (1) relates, makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the

Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

8 Committee Meetings and Quorum

(1) The Committee must meet at least 3 times in each period of 12 months at such place and time as the Committee may determine. Other member of the Association may attend but may not participate unless invited to do so. The Committee may determine that the meeting be closed and be attended by Committee members only.

(2) Additional meetings of the Committee may be convened by the President or by any member of the Committee. These may include closed meetings.

(3) Oral or written notice of a meeting of the Committee must be given by the Secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.

(4) Notice of a meeting given under Subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee Members present at the meeting unanimously agree to treat as urgent business.

(5) Any 3 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

(6) No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.

(7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

(8) At a meeting of the committee:

a. the President or, in the President's absence, the Vice President, is to preside, or

b. if the President and the Vice President are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members present at the meeting, is to preside.

9 Delegation by Committee to Sub Committee

(1) The Committee may, by instrument in writing, delegate to one or more Sub Committees (consisting of such member or members of the Association as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:

- a. this power of delegation, and
- b. a function which is a; duty imposed on the Committee by the Act or by another law.

(2) A function the exercise of which has been delegated to a Sub Committee under this clause may, while the delegation remains un-revoked, be exercised from time to time by the Sub Committee in accordance with the terms of the delegation.

(3) A delegation under this Clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this clause, the Committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a Sub Committee acting in the exercise of a delegation under this Clause has the same force and effect as it would have if it had been done or suffered by the Committee.

(6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this Clause.

(7) A Sub Committee may meet and adjourn as it thinks proper.

10 Voting and Decisions

(1) Questions arising at a meeting of the Committee or of any Sub Committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or Sub Committee present at the meeting.

(2) Each member present at a meeting of the Committee or of any Sub Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of a equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) Subject to Clause 21 (5), the Committee may act despite any vacancy on the Committee.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a Sub Committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub Committee.

Part 5 GENERAL MEETINGS

1 Annual General Meetings Holding Of

(1) The Association must hold its first Annual General Meeting within 18 months after its registration under the Act.

(2) The Association must hold its Annual General Meetings:

- a. within 6 months after the close of the Association's financial year, or
- b. within such later time as may be allowed by the Director General or prescribed by the Regulation.

2 Annual General Meetings (AGM) - Calling Of and Business At

(1) The Annual General Meeting of the Association is, subject to the Act and to Clause 23, to be convened on such a date and at such a place and time as the Committee thinks fit.

(2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include the following:

- a. to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;
- b. to receive from the Committee reports on the activities of the Association during the last preceding financial year;
- c. to elect office bearers of the Association and Ordinary Committee Members;

d. to receive and consider any financial statement or report required to be submitted to members under the Act.

(3) Voting at AGMs: Members shall not be entitled to vote at an Annual General Meeting unless those members have held membership pursuant to Part 3 for at least 1 month prior to the Annual General Meeting.

(4) An Annual General Meeting must be specified as such in the notice convening it.

3 Special General Meetings - Calling Of

(1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.

(2) The Committee must, on the requisition in writing of at least 5% of the total number of members, convene a Special General Meeting of the Association.

(3) A requisition of members for a Special General Meeting:

- a. must state the purpose or purposes of the meeting, and
- b. must be signed by the members making the requisition, and
- c. must be lodged with the Secretary, and
- d. may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(4) If the Committee fails to convene a Special General Meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than 3 months after that date.

(5) A Special General Meeting convened by a member or members as referred to in Subclause must be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee.

4 Notice

(1) Except where the nature of the business proposed to be dealt with at an Annual General Meeting or a Special General Meeting requires a special resolution of the Association, the Secretary shall, at least 14 days before the date fixed for the holding of the Annual General Meeting or Special General

Meeting, cause to be sent by either email or prepaid post to each member at the member's address appearing in the Register of Members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) Where the nature of the business proposed to be dealt with at an Annual General Meeting or a Special General Meeting requires a special resolution of the Association, the Secretary shall, at least 21 days before the date fixed for the holding of an Annual General Meeting or a Special General Meeting, cause notice to be sent to each member in the manner provided in Clause (1) specifying, in addition to the matter required under Clause (1), the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening of a General Meeting is to be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted under Clause 25 (2).

(4) A member desiring to bring any business before a General Meeting may give notice in writing within 14 days of that business to the Secretary who must include that business in the next notice calling a General Meeting given after receipt of the notice from the member.

5 Quorum for General Meetings

(1) No item of business is to be transacted at a General Meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.

(2) 10 members present (being members entitled under this Constitution to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.

(3) If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting:

- a. if convened on the requisition of members, is to be dissolved, and
- b. if within half an hour after the appointed time for the commencement of any General Meetings, a quorum is not present, the meeting, if convened upon the requisition of members, shall lapse and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the person

presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

6 Presiding Member

(1) The President or, in the President's absence, the Vice President is to preside as Chairperson at each General Meeting of the Association.

(2) If the President and the Vice President are absent or unwilling to act, the members present must elect one of their number to preside as Chairperson at the meeting.

7 Adjournment

(1) The Chairperson of a General Meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a General Meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

8 Making of Decisions

(1) A question arising at a General Meeting of the Association is to be determined by either:

- a. a show of hands, or
- b. if on the motion the Chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot - a written ballot.

(2) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the Chairperson.

9 Special Resolutions

A special resolution may only be passed by the Association in accordance with Section 39 of the Act.

10 Voting

(1) On any question arising at a General Meeting of the Association a member has one vote only.

(2) In the case of an equality of votes on a question at a General Meeting, the Chairperson of the meeting is entitled to exercise a second or casting vote.

(3) A member is not entitled to vote at any General Meeting of the Association unless all money due and payable by the member to the Association has been paid.

(4) A member is not entitled to vote at any General Meeting of the Association if the member is under 18 years of age.

11 Proxy Votes Not Permitted

Proxy voting must not be undertaken at or in respect of a General Meeting. Note Schedule 1 of the Act provides that an Association's Constitution is to address whether members of the Association are entitled to vote by proxy at General Meetings.

12 Postal Ballots

(1) The Association may hold a postal ballot to determine any issue or proposal (other than an appeal under Clause 12). Each member may be allowed to lodge a postal ballot if they have been a member for the previous 3 months.

(2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 6 MISCELLANEOUS

1 Insurance

The Association may affect and maintain insurance.

2 Funds - Source

(1) The funds of the Association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Association in General Meeting, such other sources as the Committee determines.

(2) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank or other authorised deposit-taking institution account.

(3) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

3 Funds - Management

(1) Subject to any resolution passed by the Association in General Meeting, the funds of the Association are to be used in pursuance of the objects of the Association in such manner as the Committee determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Committee or employees of the Association, being members or employees authorised to do so by the Committee.

4 Change of Name, Objects and Constitution

An application to the Director General for registration of a change in the Association's name, Objects or Constitution in accordance with Section 10 of the Act is to be made by the Public Officer or a Committee member.

5 Custody of Books etc

Except as otherwise provided by the Constitution, the Public Officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

6 Inspection of Books etc

(1) The following documents must be open to inspection, free of charge, by a member of the Association at any reasonable hour:

- a. records, books and other financial documents of the Association;

- b. this Constitution;
- c. minutes of all Committee Meetings and General Meetings of the Association.

(2) A member of the Association may obtain a copy of any of the documents referred to in Subclause (1) on payment of a fee of not more than \$1 for each page copied.

7 Service of Notices

(1) For the purpose of this Constitution, a notice may be served on or given to a person:

- a. by delivering it to the person personally, or
- b. by sending it by pre-paid post to the address of the person, or
- c. by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or service the notice.

(2) For the purpose of this Constitution, a notice is taken, unless the contrary is proved to have been given or served:

- a. in the case of a notice given or served personally, on the date on which it is received by the addressee, and
- b. in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- c. in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

8 Financial Year

The Financial Year of the Association is:

- a. the period commencing on the date of Incorporation of the Association and ending on the following 30 June, and
- b. each period of 12 months after the expiration of the previous financial year of the Association commencing on 1 July and ending on the following 30 June.